UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 1 7 2007

OFFICE OF PETITIONS

In re Application of: PHILYAW, et al.   :
Application No.: 09/382,374   :   DECISION ON PETITION FOR
Filing Date: August 24, 1999   :   REVIVAL UNDER 37 CFR 1.137(b)
Attorney's Docket No.: PHLY-24.736   :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application, filed August 03, 2007.

The petition is **GRANTED**.

This application became abandoned for failure to timely file an Appeal Brief. In response to the final Office action mailed July 03, 2006, applicants filed, on 02 January 2007, a Notice of Appeal (with required extension and appeal fees). However, applicants did not file an Appeal Brief within the two month period after the filing of the Notice of Appeal, and no extensions of time were obtained pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned at midnight on March 02, 2007, two months after the filing of the Notice of Appeal.

On August 03, 2007, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of an Appeal Brief, with fee.[1] Accordingly, the reply filed 03 August 2007 (in the form of the Appeal Brief, with fee) is accepted as having been unintentionally delayed.

The application file is being referred to TC 3622.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3296.

Richard M. Ross
Attorney Advisor

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[1] The $250 small entity fee for filing the appeal brief will be charged to Deposit Account No. 20-0780 pursuant to the authorization to charge "any fees which may be required" contained in the Notice of Appeal filed January 02, 2007.